IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22491 of 2004

Between:

Pandi Srinivasa Rao, S/o.Venkateswarlu,
R/o.Yerrabalem Village, Mangalagiri Mandal,
Guntur District.

..... PETITIONER

AND

1 The Commissioner, Government of A.P., Endowments Department, Tilak Road, Hyderabad.
2 Sri Lakshmi Narasimha Swamy Temple, Mangalagiri, rep.by its Executive officer, Mangalagiri, Guntur Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or direction more particularly one in the nature of writ of Mandamus, or any other appropriate writ, declaring the impugned proceedings vide D.Dis.No.D1-62384/2004, dt.26-11-04, issued by the 1st respondent as illegal, arbitrary, improper and set-aside the same, and further consequently, direct the 2nd respondent not to conduct re-auction, which is scheduled to be held on 07-12-2004, for lease holding rights for sale of "Jaggery water" (Panakam), Cocunuts, Photos, and other Pooja Dravyams, at the up hill of Sri Panakala Laxmi Narasimha Swamy, and as well as at the premises of Sri lakshmi Narasimha Swamy Temple, Mangalagiri, Guntur District, as illegla, arbitrary and contrary to rules of The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Immovable properties and other rights (other than Agriculture lands) Leases and Licences Rule, 2003, and to pass other order or orders.

Counsel for the Petitioner: MR.METTACHENDRA SEKHAR RAO

Counsel for Respondent No1: GP FOR ENDOWMENTS

Counsel for Respondent No.2: Smt.G.Indrani

The Court at the stage of admission made the following ORDER:

The petitioner challenges the proceedings dated 26-11-2004, whereunder, the first respondent proposed to auction the lease hold rights for sale of “Jaggery Water”. The petitioner responded to an earlier tender. His offer was not approved by the Commissioner on the ground that it was too low. In the subsequent auctions, pursuant to the impugned notification, the petitioner did not participate. The highest bid was Rs.5,25,000/-. Through order dated 10-12-2004, this Court directed the respondents to ascertain the willingness of the petitioner to be the lessee at that amount. The petitioner declined.

Heard learned counsel for the petitioner, learned Government Pleader for Endowments and learned standing counsel for the second respondent.

After going through the record and observing the proceedings that have taken place from time to time, this Court finds that no illegality, as such, has been committed by the respondents. The petitioner did not avail the opportunity afforded to him.

Hence, the writ petition is dismissed. The respondents shall refund the amount, which is paid by the petitioner pursuant to the earlier bid. No order as to costs.

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27-12-2004

kdl

To

1. The Commissioner, Government of A.P., Endowments Department, Tilak Road, Hyderabad.
2. Two C.Cs. to the Government Pleader for Endowments, High Court Buildings, A.P., Hyderabad, (OUT).
3. Two C.D. Copies.